

DEFENDANT'S EXHIBIT LIST

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS

No. 6:21-CV-00322-JCB

Hilltop Church of the Nazarene,

Plaintiff,

v.

Church Mutual Insurance Company,

Defendant.

Before BARKER, *District Judge*

DEFENDANT'S EXHIBIT LIST

Judge J. Campbell Barker	PLAINTIFF'S ATTORNEY: G. BRIAN ODOM, LINDSEY P. BRUNING, AND KIRI DEONARINE	DEFENDANT'S ATTORNEY: PRESTON J. DUGAS III AND VINCENT P. CIRCELLI
TRIAL DATE(S): November 14, 2022	COURT REPORTER: SUSAN ZIELIE	COURTROOM DEPUTY: NICOLE CADENHEAD

EXHIBIT NUMBER	DATE OFFERED	ADMITTED	DESCRIPTION (INCLUDING BATES NUMBER IF APPLICABLE)	AGREEMENT OR PLAINTIFF'S OBJECTION
1			Policy No. 0118133-02-696239; CM 00052-325	Agreed
2			October 1, 2019 Loss Report; CM 00796-97	FRE 802 – Hearsay FRE 901 – Lack of Authentication
3			Claim Payment Log; CM 00590-91	FRE 802 – Hearsay FRE 901 – Lack of Authentication

4			Photo Report; CM 00802-70	FRE 802 – Hearsay (as to captions) FRE 901 – Lack of Authentication
5			Assignment Notes; CM 00757-60	FRE 802 – Hearsay FRE 901 – Lack of Authentication
6			Leading Edge Claims Service Estimate; CM 00788-95	FRE 802 – Hearsay FRE 901 – Lack of Authentication
7			Statement of Loss; CM 00957	FRE 802 – Hearsay FRE 901 – Lack of Authentication
8			October 14, 2019 Payment Letter; CM 00044	FRE 402 – Relevance FRE 802 – Hearsay FRE 403 – Evidence confuses the issue and misleads the jury. FRE 901 – Lack of Authentication

9			January 7, 2020 email from Premier Adjustment Group advising of retention; CM 00029-30	FRE 402 – Relevance FRE 802 – Hearsay FRE 403 – Evidence confuses the issue and misleads the jury. FRE 901 – Lack of Authentication
10			Premier Adjustment Group Estimate; CM 00473-82	FRE 402 – Relevance FRE 403 – Evidence confuses the issue and misleads the jury. FRE 901 – Lack of Authentication
11			April 16, 2020 EFI Global's Roof Storm Damage Assessment; CM 00346-410	FRE 802 – Hearsay FRE 901 – Lack of Authentication
12			April 30, 2020 Denial Letter; CM 00013-15	Agreed.
13			Stonewater Roofing Invoice for \$350; HILLTOP_000613	Agreed.
14			Stonewater Roofing Invoice for \$1500.00; HILLTOP_000500	Agreed.
15			Stonewater Roofing Estimate; HILLTOP_000549-52	Agreed.

16			Stonewater Roofing Contract; HILLTOP_000510-12	FRE 802 – Hearsay FRE 901 – Lack of Authentication FRE 403 – Evidence confuses the issue and misleads the jury
17			Insurance Adjusters Group LLC Photos; HILLTOP_000012-71	Agreed.
18			CoreLogic Report; CM 00361	FRE 802 – Hearsay FRE 901 – Lack of Authentication
19			Daniel Hillner CV; EXHIBIT A-2 to Defendant's Rule 26(a)(2) Initial Expert Disclosures	FRE 802 – Hearsay FRE 901 – Lack of Authentication
20			Photos of the property taken by Daniel Hillner; CM 00364-CM 00410	FRE 802 – Hearsay (as to captions) FRE 901 – Lack of Authentication
21			Plaintiff's First Amended Complaint	Agreed.
22			<i>Ford v. Great Am. Assurance Co. & Stephen Christopher Wade, No. W-15-CV-088, 2015 WL 11004910 (W.D. Tex. July 14, 2015); Exhibit 2 to James Maxwell Judge's Deposition</i>	FRE 802 – Hearsay FRE 901 – Lack of Authentication

23			StormIntel Hail History Report dated 5/25/2022; Exhibit 3 to James Maxwell Judge's Deposition	FRE 802 – Hearsay FRE 901 – Lack of Authentication
24			Cavalry Estimate; Exhibit 10 to Michael Scarlett's Deposition	FRE 402 – Relevance FRE 403 – Evidence confuses the issue and misleads the jury. FRE 901 – Lack of Authentication
25			Hilltop's 542A Notice; CM 00562-63	FRE 802 – Hearsay FRE 901 – Lack of Authentication FRE 403 – Evidence confuses the issue and misleads the jury
26			Hilltop's DTPA Notice and Demand Letter; CM 00564-65	FRE 802 – Hearsay FRE 901 – Lack of Authentication FRE 403 – Evidence confuses the issue and misleads the jury

27			Church Mutual's Election of Liability Letter; CM 00548-49	FRE 802 – Hearsay FRE 901 – Lack of Authentication FRE 403 – Evidence confuses the issue and misleads the jury
28			October 26, 2020 Letter; CM 00046	FRE 802 – Hearsay FRE 901 – Lack of Authentication
29			October 29, 2020 Letter; CM 00038	FRE 802 – Hearsay FRE 901 – Lack of Authentication
30			April 13, 2020 Letter; CM 00037	FRE 802 – Hearsay FRE 901 – Lack of Authentication
31			September 12, 2019 Letter; CM 00036	FRE 802 – Hearsay FRE 901 – Lack of Authentication
32			March 20, 2020 Letter; CM 00034	FRE 802 – Hearsay FRE 901 – Lack of Authentication

33			September 17, 2020 Letter of Representation; CM 00005	FRE 402 – Relevance FRE 802 – Hearsay FRE 403 – Evidence confuses the issue and misleads the jury. FRE 901 – Lack of Authentication
34			March 6, 2020 Letter; CM 00001	FRE 802 – Hearsay FRE 901 – Lack of Authentication
35			Claim Notes; CM 00573- 89	FRE 802 – Hearsay FRE 901 – Lack of Authentication

Defendant Church Mutual Insurance Company ("Church Mutual") expressly reserves (and does not waive) its option to refrain from introducing and/or using any of the above-listed exhibits at trial. Church Mutual further reserves the right to introduce and/or use additional exhibits for demonstrative or illustrative purposes, as well as for purposes of rebuttal, impeachment, or completeness.

Respectfully submitted,

ZELLE LLP

By: /s/ Lindsey P. Bruning

G. Brian Odom
State Bar No. 50511840
bodom@zellelaw.com
Lindsey P. Bruning
State Bar No. 24064967
lbruning@zellelaw.com
Kiri D. Deonarine
State Bar No. 24105298
kdeonarine@zellelaw.com

901 Main Street, Suite 4000
Dallas, TX 75202-3975
Telephone: 214-742-3000
Facsimile: 214-760-8994

**ATTORNEYS FOR DEFENDANT CHURCH
MUTUAL INSURANCE COMPANY**

**CERTIFICATE OF CONFERENCE OF CONFORMITY
WITH THE COURT'S SCHEDULING ORDER**

This certifies that the parties met and conferred regarding the admissibility of each exhibit listed above. This further certifies that counsel for Plaintiff has agreed to the admissibility of the exhibits above where noted. For those exhibits not agreed to, the objections listed above constitute the nature and legal basis of any objection to admissibility.

/s/ Vincent P. Circelli

Vincent P. Circelli

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing has been served on the following counsel of record in accordance with FEDERAL RULES OF CIVIL PROCEDURE on this 30th day of September, 2022:

Preston J. Dugas III State Bar No. 24050189 pdugas@dcclawfirm.com Vincent P. Circelli State Bar No. 24058804 vcircelli@dcclawfirm.com DUGAS, CHEEK & CIRCELLI, PLLC 1701 River Run, Suite 703 Fort Worth, TX 76107 Telephone: 817-945-3061 Facsimile: 682-219-0761 ATTORNEYS FOR PLAINTIFF	
--	--

/s/ Lindsey P. Bruning

Lindsey P. Bruning